

## **REMARKS**

Reconsideration is respectfully requested.

The Examiner's rejections will be considered in the order of their occurrence in the Official Action.

### **Paragraph 1 of the Office Action**

The specification has been objected to for the informalities noted in the Office Action.

The specification has been amended in a manner believed to clarify any informalities in the language, particularly at the points identified in the Office Action.

Withdrawal of the objection is respectfully requested.

### **Paragraph 2 of the Office Action**

Claim 9 has been objected to for the informalities noted in the Office Action.

The claim has been amended in a manner believed to clarify any informalities in the language, particularly at the points identified in the Office Action.

Withdrawal of the objection to claim 9 is therefore respectfully requested.

### **Paragraph 3 of the Office Action**

Claim 4 has been rejected under 35 U.S.C. §112 (second paragraph) as being indefinite.

The above amendments to the claims are believed to clarify the requirements of the rejected claims, especially the particular points identified in the Office Action.

Withdrawal of the §112 rejection of claim 4 is therefore respectfully requested.

### **Paragraphs 4 and 5 of the Office Action**

Claims 1-4 have been rejected under 35 U.S.C. §102(b) as being anticipated by Washington.

It is submitted that the Washington reference does not disclose, teach or suggest "a plurality of vehicle attachment means adapted for attaching said lower cover to the vehicle, each of said vehicle attachment means having a bolt portion, a nut portion, a frusto conical portion and a clamp portion, said bolt portion being coupled to said frusto conical portion, said bolt portion being for extending through a respective one of a plurality of bores of said bottom portion, said nut portion being insertable through one of a plurality of fastener bores of said equipment retaining pad for securing said bolt portion to said bottom portion, said frusto conical portion being for supporting said bottom portion, said clamp portion being coupled to said frusto conical portion opposite said bolt portion, said clamp portion adapted for engaging an equipment carrying area of the vehicle". The Washington reference teaches a rod and reel carrier that fails to teach the features of the vehicle attachment means for protecting the case and vehicle from sudden movement of the case with respect to the vehicle as claimed by the applicant. Therefore, it is submitted that the Washington reference would not lead one to anticipate the combination of features as claimed by the applicant.

Claims 2 through 4 are dependent upon claim 1, particularly as amended, and therefore incorporate the requirements of claim 1. Thus, claims 2 through 4 are also believed to be allowable over the cited reference.

Withdrawal of the §102(b) rejection of claims 1-4 is therefore respectfully requested.

**Paragraphs 6 and 7 of the Office Action**

Claims 1-5 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Rasor in view of Wills.

It is submitted that combining elements from different prior art references (in an attempt to establish obviousness) must be motivated or suggested by the prior art.

'Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. Under section 103, teachings of references can be combined only if there is some suggestion or incentive to do so.' [citation omitted] Although couched in terms of combined teachings found in the prior art, the same inquiry must be carried out in the context of a purported obvious "modification" of the prior art. The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification.

In re Fritch, 972 F.2d 1260; 23 USPQ2d 1780, 1783-84 (Fed. Cir. 1992), (in part quoting from ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 1577; 221 USPQ 929, 933 (Fed. Cir. 1984)).

It is submitted that the combination of Rasor with Wills is not suggested by the prior art, and even if such a combination were to be made, one would not be led to the combination of features recited in applicants' claims. In particular, the references do not disclose, teach or suggest "a plurality of vehicle attachment means adapted for attaching said lower cover to the vehicle, each of said vehicle attachment means having a bolt portion, a nut portion, a frusto conical portion and a clamp portion, said bolt portion being coupled to said frusto conical portion, said bolt portion being for extending through a respective one of a plurality of bores of said bottom portion, said nut portion being insertable through one of a plurality of fastener bores of said equipment retaining pad for securing said bolt portion to said bottom portion, said frusto conical portion being for supporting said bottom portion, said clamp portion being

coupled to said frusto conical portion opposite said bolt portion, said clamp portion adapted for engaging an equipment carrying area of the vehicle". The Rasor reference teaches an article carrier that fails to teach the features of the vehicle attachment means for protecting the case and vehicle from sudden movement of the case with respect to the vehicle as claimed by the applicant. The Wills reference teaches a ski carrier that fails to teach the features of the vehicle attachment means for protecting the case and vehicle from sudden movement of the case with respect to the vehicle as claimed by the applicant. Therefore, it is submitted that the combination of the Rasor reference with the Wills reference would not lead one to the combination of features as claimed by the applicant.

Claims 2 through 5 are dependent upon claim 1, particularly as amended, and therefore incorporate the requirements of claim 1. Thus, claims 2 through 5 are also believed to be allowable over the cited reference.

Withdrawal of the §103(a) rejection of claims 1-5 is therefore respectfully requested.

#### **Paragraph 8 of the Office Action**

Claims 6 and 7 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Rasor in view of Wills as applied above, and further in view of Wentz.

Claims 6 and 7 are dependent upon claim 1, particularly as amended, and therefore incorporate the requirements of claim 1. Thus, claims 6 and 7 are also believed to be allowable over the cited reference.

Withdrawal of the §103(a) rejection of claims 6 and 7 is therefore respectfully requested.

#### **Paragraph 9 of the Office Action**

Claim 8 has been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Rasor in view of Wills as applied above, and further in view of Bradley et al.

Claim 8 is dependent upon claim 1, particularly as amended, and therefore incorporates the requirements of claim 1. Thus, claim 8 is also believed to be allowable over the cited reference.

Withdrawal of the §103(a) rejection of claim 8 is therefore respectfully requested.

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service with proper postage as First Class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231, on this 25th day of May, 2000.

  
Jody Bickett